

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 1, 2003**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. and was followed by the Pledge of Allegiance which was led by Mr. Kiar.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey, Councilmembers Crowley, Hubert, and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Mayor Truex advised that items 4.13, 6.14, 6.15, 6.16, and 6.17 were requested to be tabled to October 15, 2003.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff requested item 6.4 be tabled to November 5, 2003.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 4.16, 6.5 and 6.7 were requested to be tabled to November 5, 2003.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 6.10 and 6.11 were requested to be tabled to November 19, 2003.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that items 6.12 and 6.13 were requested to be tabled to December 3, 2003.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

3. OPEN PUBLIC MEETING

Mayor Truex advised the public of the rules for the Open Public Meeting.

Bonnie Watts, Area Supervisor for Supercuts, announced that Supercuts would honor the Davie Police and Fire Departments by giving free haircuts for their first visit and discounts on future visits. She announced the upcoming grand opening of Supercuts in the Paradise Promenade Center on Stirling Road and mentioned that Supercuts is exploring programs to honor and support the community. Ms. Watts welcomed ideas and suggestions from the community and thanked Councilmember Hubert for inviting her to the meeting.

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. August 20, 2003 - Workshop Meeting

Proclamation

4.2. Domestic Violence Awareness Month (October 2003)

Home Occupational License

4.3. Duke Martin Refrigeration & Air Conditioning, Inc., 13291 SW 16 Court

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Resolutions

- 4.4. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-243 APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON
THE SUBDIVISION PLAT KNOWN AS THE PRIMA PROFESSIONAL CAMPUS PLAT;
AND PROVIDING AN EFFECTIVE DATE. (DG 3-3-03, Village Parc Townhomes, 7901 Davie
Road Extension) (tabled from August 20, 2003)
- 4.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS
R-2003-244 FOR SUPPLY AND INSTALLATION OF VARIOUS TREES AND SHRUBS. (Landscape
Service Professionals and Eldan Lawn Services - \$50,000/year)
- 4.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID
R-2003-245 FOR RESTROOM MODIFICATION AT OLD DAVIE SCHOOL. (John Luther, Inc. - \$40,500)
- 4.7. **FRANCHISE RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-246 EXTENDING THE FRANCHISE WITH E.A.S.E. FOUNDATION, INC. FOR BUS STOP
BENCHES.
- 4.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-247 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN ISLA
MERITA HOMEOWNERS CONDO 2, INC. AND THE TOWN OF DAVIE POLICE
DEPARTMENT FOR TRAFFIC CONTROL.
- 4.9. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-248 AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE COUNTRY
WESTERN STORE PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 8-3-03, Country
Western Store Plat, 7500 and 7550 Griffin Road)
- 4.10. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-249 AUTHORIZING AN AMENDMENT TO THE NON-VEHICULAR ACCESS LINE OF THE
COUNTRY WESTERN STORE PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 8-4-
03, Country Western Store Plat, 7500 and 7550 Griffin Road)
- 4.11. **DEVELOPER'S AGREEMENT**- A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-250 FLORIDA, APPROVING APPLICATION DA 8-2-03, CONSENTING TO AN APPLICATION
FOR FINDINGS OF ADEQUACY FOR THE COUNTRY WESTERN STORE (167-6); AND
PROVIDING FOR AN EFFECTIVE DATE. (DA 8-2-03, Country Western Store Plat, 7500 and
7550 Griffin Road)
- 4.12. **DEVELOPER'S AGREEMENT**- A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2003-251 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN
AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND PARKSIDE
ESTATES ASSOCIATES, LTD. FOR THE ISSUANCE OF BUILDING PERMITS WHILE
PLATTING IS IN PROGRESS RELATING TO THE PARKSIDE ESTATES OF DAVIE PLAT;
TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID
AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 7-3-03, Parkside Estates
Plat, 8901 Orange Drive)

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- 4.13. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING AN ANNEXATION AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOLMY ENTERPRISES, INC. AND PROVIDING AN EFFECTIVE DATE. (tabled from September 17, 2003)
- 4.14. **TURNPIKE WIDENING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION'S WIDENING OF THE FLORIDA TURNPIKE INCLUDE SOUND WALLS FROM SOUTHWEST 36TH STREET TO GRIFFIN ROAD.
- 4.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AND EXECUTING THE ASSIGNMENT OF LEASE, ASSUMPTION & CONSENT BETWEEN F.W. HOLDING 441, INC. AND THE TOWN OF DAVIE.

Site Plans

- 4.16. SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD) (tabled from September 17, 2003) *Site Plan Committee recommended approval with the conditions that the applicant send a letter to the president of the homeowner's association [Chelsea Homeowners' Association] stating the date when this item was to be reviewed by the Town Council; and that the lighting levels on the east side of the buildings be at the lowest possible levels that the Police Department would allow after 9:00 p.m.*
- 4.17. SP 2-6-03, Village Parc Townhomes, 7901 Davie Road Extension (B-2) (tabled from September 3, 2003) *Site Plan Committee recommended approval based on these remaining items from the planning report: 1) that the pedestrian crossways at the community facilities be concrete pavers; 2) that the park area by the cabana would be shown with the benches and picnic tables; 3) that the applicant would correct LS-1 and ST-1 to match the site plan; 4) that the relocation of existing trees be discussed with the Town's Urban Forester Mike Orfanedes for his opinion on whether they would be moved to good locations; 5) that items 6, 7, 9 and 10 remain to be left to the direction of Mr. Orfanedes; 6) that the pool house needs corrections and needs a larger plan showing the bathrooms; take out the planters and have a five-foot wall with plantings on the inside at the pool deck area as well as landscaping on the outside of the wall; 7) label the roof material on the plans; 8) that the parking in front of the units should be labeled 18-foot wide driveways thereby eliminating the compact indication in the spaces in front of the units; make an 18-foot paved area and increase the green area between those driveways; and then look into whether or not a tree could be placed in the larger green area; 9) put in the vertical banding on the unit's rear elevations which would be at the unit separations; 10) provide a photometric plan; make certain that SP-2 and DO-2 match; show the lighting poles and their locations; if base protection was needed because no protective curbing was by the light poles, a poured concrete base may be needed to which the light pole would be mounted; 11) postal delivery was recommended to be located at the cabana area in one central pavilion with "pull off" areas off the main drive, if the Post Office approves*

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- 4.18. SP 3-1-03, Country Western Store, 7500 and 7550 Griffin Road (B-2) *Site Plan Committee recommended approval based on the applicant revising the townhouse plans to match the elevations as presented and coming back before this committee before permits; that the dumpster be moved from the parking area to somewhere near the office building; redesign the west parking to allow only one access point into that parking area (the southern most driveway); change the color of the hardy board on the office building to a darker color; on the office building, stagger the flat front canopy to allow for the palms and planters as shown; put in a crosswalk hatching from the west parking to the office building, across the entrance; evaluate the landscape berm plantings on the south property line; and evaluate the Royal Palms in front of the commercial building*

Councilmember Paul requested that items 4.4 and 4.17 be heard after item 6.1 and items 4.9, 4.10, 4.11 and 4.18 be heard after 6.9. She also requested that item 4.14 be removed from the Consent Agenda. Councilmember Hubert asked that item 4.15 be removed.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve the Consent Agenda without items 4.4, 4.9, 4.10 4.11, 4.14, 4.15, 4.17, and 4.18. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex asked to reconsider to remove item 4.2. Councilmember Paul so moved. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Vice-Mayor Starkey read the proclamation.

Later in the meeting, Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve item 4.2. In a voice vote, all voted in favor. (Motion carried 5-0)

4.14 Councilmember Paul discussed her concerns regarding this item. She felt the amended resolution should include language to request that sound walls along the Florida Turnpike be extended to include areas south of Griffin Road.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve the resolution, subject to adding language to include "areas south of Griffin Road". In a voice vote, all voted in favor. (Motion carried 5-0)

Joseph Cosby, 4230 SW 53 Avenue, voiced his concerns about how close his home was to the Turnpike. He stated that his home was affected by the pollution and noise and said he would definitely be in favor of a sound wall.

4.15 Councilmember Hubert questioned the lease/billboard agreement. Vice-Mayor Starkey questioned whether the purchase agreement included any existing leases and assignments or whether it terminated with the sale of the property. She mentioned that leases and building permits must be filed for annually, with evidence of a charity to be supported, in compliance with the Town's ordinance.

Vice-Mayor Starkey voiced the opinion that any billboard being brought into the Town should be in compliance with the ordinance, even if it was considered a non-conforming use, and suggested that this was an opportunity to look at how to handle an issue of non-conforming use.

Assistant Town Administrator Ken Cohen explained that this was an existing billboard and that the new ordinance in the Town's Code did not apply. He indicated that this lease only applied to billboards permitted after the ordinance took effect.

Mayor Truex suggested that Mr. Kiar look into this further.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 2003-39 6.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-4-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2 COMMUNITY BUSINESS DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Merlo/Davie Road, LLC, 7901 Davie Road Extension) (tabled from September 3, 2003) *Planning and Zoning Board recommended denial*

Town Clerk Muniz read the ordinance by title.

Hector Vinas, representing the petitioner, explained the proposal to build 70 townhomes along Davie Road Extension.

Mayor Truex opened the public hearing portion of the meeting.

Mitch Topal requested that Council reopen the public hearing portion of the meeting, stating that there were a number of people who attended, hoping to speak, but who did not hear the earlier announcement closing the public hearing portion of the meeting.

Nicholas Novello advised that he was interested in purchasing one of the townhomes and was in favor of the project.

Patricia Maine indicated that she would like to purchase one of the townhomes and spoke in favor of the project. She said the homes would revitalize and beautify the area along Davie Road Extension.

Chris Desir said she would also like to purchase one of the townhomes and spoke in favor of the project. She asked Council to approve the ordinance.

Gary Scofield, 2807 North University Drive, voiced his opposition to the project. He felt that building 70 townhomes on such a small property would have too much impact on a single-family home area.

Linda Theis spoke against the project. She requested that the developer consider the existing traffic and accident problems in the area. Ms. Theis believed that adding more homes would make traffic worse and turn the road along her home into a cut-through for heavy traffic. She suggested that until Davie Road Extension was widened, the entrance to the complex should be placed along Stirling Road. Ms. Theis requested the opportunity to later discuss widening her road and adding sidewalks and speed bumps.

Alan Weinger indicated that Ms. Theis would be providing Council with a petition from the residents in the area who were against this project. He stated his dissatisfaction with the project and what he considered a lack of concern for the residents' concerns. Mr. Weinger complained about the possibility of losing 12 commercial acres of property along Stirling Road to University Drive. He stated that the only plus was affordable housing for people but added that there were already several affordable homes in that area.

Mr. Allen spoke against the project because of the potential traffic problems.

Clifford Singh spoke against the project stating that it would bring too much traffic into the area.

Stephen Avello, representing Cornerstone Church, spoke in favor of the project, stating that members of his congregation want to move into Davie.

Mayor Truex closed the public hearing portion of the meeting.

Michael Stern, representing the petitioner, addressed the merits of the project. He believed the project would improve the area and stated the traffic study done by his engineer showed the project would not make the traffic situation worse.

Molly Hughes, Traffic Consultant for Broward County, gave her credentials as a traffic reviewer for various municipal projects in Broward. She distributed a report which represented a study of the area and its traffic implications for Davie Road Extension and other affected areas. Ms. Hughes mentioned that after visiting the area, she concluded that cut-through traffic on NW 30th Street would not become a significant problem because the longer route, plus the fact that children played on that street, would deter repeat drivers from using it as a cut-through into the project.

Mayor Truex asked for clarification for access off University Drive. Ms. Hughes indicated that the property did not have University Drive frontage and to get such access, they would need to have approval from the Florida Department of Transportation. She stated that according to the State of Florida, just because an opening appeared on a plat did not mean you could get a permit to connect to a State road.

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Mayor Truex asked if the parcel were commercial, would it still be preferable to have an opening on Davie Road, or would the access on University Drive be conceivable.

Jose Merlo, architect of record, indicated that he had spoken with residents two weeks earlier and felt that the concerns were not valid as the project proposed would have much less of an impact than a commercial project would bring.

Councilmember Hubert indicated that she liked the project and was in favor of it.

Councilmember Crowley voiced support of the project and felt it would help the commercial corridor in that area. He pointed out that several businesses along that area were vacant and that the area was not thriving. Councilmember Crowley asked that the petitioner place a sign along the Turnpike welcoming people into the Town and requested that the developer agree to continue the landscaping in the swale area.

The petitioner agreed to putting up the sign and continuing the landscaping.

Mayor Truex voiced his opposition to the project stating that he was against increasing population density for the goal of offering affordable new housing. Councilmember Hubert asked Mayor Truex what part of Davie he would consider for affordable housing. She pointed out the difference between the older, smaller homes compared to the newer, more affordable homes proposed, which offer people more livable homes for their money.

Councilmember Paul agreed with Mayor Truex on many points and voiced her opposition to the project.

Vice-Mayor Starkey spoke in favor of the project. She believed the real estate property values in the area would go up and waiting to see what kind of commercial development could be established in the future would diminish development and gain nothing.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - no. (Motion carried 3-2)

4.4 Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - no. (Motion carried 3-2)

4.17 Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve item 4.17, subject to adding the "Welcome to Davie" sign, and subject to efforts to continue the landscaping in the swale area around the development. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - no. (Motion carried 3-2)

6.2. **VACATING RIGHT-OF-WAY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2003-40 **APPROVING PETITION VA 5-1-03, VACATING RIGHT-OF-WAY WITHIN SECTION 28,**
TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE PLAT KNOWN AS THE
NEW WORLD PLAT (166-37); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
AN EFFECTIVE DATE. (VA 5-1-03, Morgan/Nova Southeastern University, 7600 SW 36 Street
(to vacate 1 - two portions of the right-of-way on SW 76 Avenue, and 2 - a portion of the 10 foot
utility easement along SW 35 Street previously dedicated per plat "New World Plat" and
realigning said easement) *Planning and Zoning Board recommended approval {Approved on*
First Reading September 17, 2003 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

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- 6.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING
2003-41 REZONING ZB 5-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS
WITHIN THE TOWN OF DAVIE FROM R-5, LOW MEDIUM DWELLING DISTRICT TO R-
3, LOW DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO
COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE. (ZB 5-1-03, Khavanin/Zarbafi, 5150 South Pine Island Road) *Planning and
Zoning Board recommended approval {Approved on First Reading September 17, 2003 - all
voted in favor}*

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

Ordinances - First Reading (Second and Final Reading to be held at a later date)

- 6.4. **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS
APPLICATION LA(TXT) 03-08A, AMENDING THE TEXT OF THE TOWN OF DAVIE
COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO
DELETE THE "EMPLOYMENT CENTER" LAND USE CATEGORY AND TO ESTABLISH
EMPLOYMENT CENTER LAND USES TO INCLUDE AN "EMPLOYMENT CENTER-
LOW" LAND USE CATEGORY AND AN "EMPLOYMENT CENTER-HIGH" LAND USE
CATEGORY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 17, 2003) *Local Planning
Agency recommended approval subject to the following uses being deleted from Employment
Center-Low: fabrication and assembly; hotels, motels, and similar lodging; and community
facilities {requires supermajority vote}*

This item was tabled earlier in the meeting.

- 6.5. **LAND USE PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE,
FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY
AFFAIRS APPLICATION LA 03-07, AMENDING THE TOWN OF DAVIE
COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP
DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 DU/AC" TO
"EMPLOYMENT CENTER - LOW"; PROVIDING FOR SEVERABILITY; PROVIDING FOR
AN EFFECTIVE DATE. (tabled from September 17, 2003) (LA 03-07, Industrial Developments
International, Inc/Wilson Road Company, Inc., Herzig and North, 5800 SW 59 Avenue) *Local
Planning Agency recommended denial {requires supermajority vote}*

This item was tabled earlier in the meeting.

Ordinance - First Reading (Second and Final Reading to be held October 15, 2003)

- 6.6. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA
REPEALING INTERIM REGULATIONS ORDINANCE NO. 2002-27 WIRELESS
COMMUNICATIONS FACILITIES, PROVIDING FOR A HIERARCHY OF PREFERRED
SITING ALTERNATIVES, CONTAINING PROVISIONS FOR EVALUATIONS OF SITING
APPLICATIONS AND ADDING ARTICLE XV, ENTITLED "WIRELESS
COMMUNICATIONS FACILITIES" PROVIDING FOR PURPOSE AND INTENT;
PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REGULATIONS; PROVIDING
FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN
THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September
17, 2003)

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Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on October 15, 2003.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held October 15, 2003)

6.7. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-02, Town of Davie, 4703 SW 148 Avenue) (tabled from September 17, 2003) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

Quasi Judicial Item

6.8. **VARIANCE** - V 6-2-03, Marker, 1554 East Harmony Lakes Circle (PRD-5) (to reduce the required setback for an existing deck and gazebo from 5 feet to 2.6 feet) *Planning and Zoning Board recommended approval*

Mr. Kiar swore in the witnesses. Mr. Leiva summarized the staff report.

Patrice Marker, the property owner, spoke, stating that she bought the home with the deck and gazebo existing and later found out that part of it encroached on the 5' setback area.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

Resolution

6.9. **RESERVE UNITS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF RESIDENTIAL RESERVE UNITS TO THE COUNTRY WESTERN STORE PLAT; AND PROVIDING FOR AN EFFECTIVE DATE. (FX 3-1-03, Country Western Village, 7550 Griffin Road (Griffin Corridor West Gateway Zone) (tabled from September 17, 2003) *Planning and Zoning recommended denial*

Earlier in the meeting, Town Clerk Muniz read the resolution by title.

Dennis Mele, representing the petitioner, made a presentation and advised that the petitioner had reduced the number from 52 to 42 townhouse units. He stated that his client had met with the Florida Department of Transportation, which confirmed that the developers did not have to have any access on 74th Terrace, so the access point on 74th Terrace shown on the site plan would not be built, but would be used for emergency access only. Mr. Mele indicated that the other two access points would be maintained as was on Griffin Road. He pointed out that the developer felt this was an improvement in response to the community's concerns. Mr. Mele stated that the petitioners had agreed that only the center portions would be three stories to keep the height closest to existing homes as low as possible. He explained that by reducing the number of townhomes from 52 to 42 meant that each unit would be slightly bigger, resulting in an increase in unit price. Mr. Mele advised that more parking would be supplied because the number of parking spaces would remain the same, even though parking demand would be reduced. He explained that the berm, ficus hedge and fence would create a nine foot opaque barrier, beyond which would be trees planted on the property side, which would effectively block the view of even the highest point of

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one of the 3-story buildings. Mr. Mele stated that the petitioner had made many efforts to address the community's concerns as much as possible.

Mayor Truex inquired if the petitioner would agree that none of the items listed with the restricted "R" codes would be used for those purposes on this property. He asked whether the petitioner would restrict usage from doctor's office to medical clinic. Mayor Truex asked for clarification as to whether the final CO's for the residential units would not be issued until the CO for the front office building was issued. He also asked for clarification as to whether the petitioner would complete all perimeter landscaping before receiving building permits. Mr. Mele responded in the affirmative.

Mayor Truex pointed out that the residents requested that the petitioner put a line of brick pavers on 74th Avenue. Mr. Mele responded in the affirmative.

Mayor Truex asked whether the petitioner would consider putting up appropriate signage at the end of 74th Street, in the event that the residents ask for signage to keep the street private. Mr. Mele responded in the affirmative, stating that the plat would show no non-vehicular access to that road other than for emergency uses.

Robert Steigel, Executive Vice President of Centerline Homes, spoke about the project.

Vice-Mayor Starkey indicated that there was a scrivener's error in the petitioner's agreement with Broward County that needed to be corrected to reflect the words mayor and vice-mayor, instead of chair and vice-chair. She spoke about her concerns over the letter of credit as opposed to bonds.

Councilmember Paul stated that she was happy that the number of units was being reduced. She asked the petitioner to consider increasing the green space and reducing the amount of compact parking spaces in favor of adding some more regular size parking spaces. Mr. Mele stated that even with making the units bigger, the petitioner would have less building space overall on the site. He indicated the petitioner's willingness to work with the staff on suggestions to add more green space and bigger parking spaces.

The petitioner's engineer responded to concerns about lighting, stating that the petitioners plan met the lighting requirements for the Griffin Road Corridor.

Councilmember Crowley stated he still had concerns and asked if it was a requirement that 74th Terrace be used as emergency access.

Edna Moore spoke in favor of the project, stating that it was the best plan she had seen of many proposed properties and requested approval from Council.

Susan Colley-Theodosiou stated she that was happy the petitioner had listened to the residents' concerns about the project, but felt the project would double the population in the area. She also felt that the exterior façade and elevations of the property did not blend with the Griffin Road Corridor and pointed out that the 2-story units were almost as tall as the 3-story units.

Daniel Katz objected to the project. He voiced his concern about the density and traffic problems this large project would bring into a small area.

Mike McHugh gave a short history on the property in question. He indicated that the road that the residents call "their street" was actually a piece of his property when he originally bought his property. Mr. McHugh clarified that 74th Terrace actually came off his personal property and added that in response to requests by the State, he had donated \$300,000 worth of his property to build a deceleration turn lane for people to be allowed to turn in onto 74th Terrace. He stated that the State owned the driveways on Griffin Road in perpetuity and advised that he had the 1997 court documents to this effect, which allowed for projects like Centerline Homes to be allowed.

Carol Katz advised that she appreciated the changes made by the petitioner. She indicated that she wanted to see the petitioner put in a play area for children of the residents of the development.

Delores Pierson was opposed to the project. She felt there were not enough allowable parking spaces and felt the project would add to density. Ms. Pierson felt 2- and 3-story townhomes were not compatible with the single family homes in the area.

Laura Pierson, 7410 Griffin Road, said that she did not see 40% open space on the plan. She requested a chain link fence along her property, because she felt the limited space would lead to abuse of her large backyard by the neighborhood children and dog walkers. Ms. Pierson requested more open space to create a playground for children of that area.

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Judith Collins read a statement from 14 of the homeowners of 74th Terrace, disapproving of the project, citing concerns ranging from overcrowding, noise, parking problems and dissatisfaction with the elevations and façade proposed for the project.

Cliff Spencer spoke in opposition to the project and voiced his desire to see homes built instead.

Lisa Glenn, 4621 SW 74 Terrace, opposed the project, saying she was heartbroken about the project. She added that it was not a good fit for the neighborhood.

Ron Glenn spoke against the project, saying it would have a negative impact on the area because 3-story townhomes located so close to single family homes would greatly impact the density and dwarf his home.

Kathy James spoke against the project.

Valerie Bamford-Herschel thanked the petitioners for their efforts, but still felt the project would negatively affect the surrounding neighborhoods, stating they were too high and would increase the density.

Paul Smith, 4691 SW 74 Terrace, thanked Mayor Truex and Councilmember Crowley for meeting with the residents and the petitioners for their efforts. He felt the residents and the petitioner were at a stalemate as the impacts of the project's height and density on the community were too great. Mr. Smith stated his belief that Council would make a reasonable decision.

Bob Estrada, 4640 SW 74 Terrace, spoke against the project, stating his concerns about the height, density and possible impacts on drainage.

Robert Legg, Chair of the Davie Economic Development Council (EDC), spoke on the efforts of the EDC to attract quality projects to the area. He indicated the EDC's support of the project because the project did have an office component which would help enhance the Town's tax base and create jobs. Mr. Legg stated that this project met the criteria previously established by Council for the Griffin Road Corridor and he hoped Council would approve the project.

Wayne Rios, 4620 SW 74 Terrace, objected to the project. He voiced his concerns about the sewage produced by such a large compound and asked for this to be addressed. Mayor Truex requested that Mr. Mele address this issue at the end of the discussion.

Jimmy Aucamp, 13201 SW 16 Court, spoke in favor of the project, stating that Centerline Homes' proposed project allowed young homebuyers to purchase an affordable home in Davie. He added that the project met all Griffin Road Corridor's requirements and was a good transition from commercial to residential. Mr. Aucamp stated that he had reviewed the landscape buffer outlined with Mr. Steigel and that Mr. Steigel had showed a desire to help meet the residents' needs.

Joe Cosner, 4451 SW 77 Avenue, objected to the project and felt that the project did not support future amenities. He pointed out that with no place for children to play, children would end up playing in the street.

Hector Quevedo spoke against the project, citing density issues. He also felt that the project did not blend in with the surrounding community.

Richard Abraham, member of the EDC, spoke in favor of the project and indicated that it met all the criteria that the Town Council set over the past several years. He referred to Mr. McHugh's efforts to get the property platted several years earlier and added that Mr. McHugh had provided a service for many people in the Town for many years. Mr. Abraham felt that all the issues surrounding the project fit with all projects allowed under the zoning categories. He stated that the Town's business community badly needed this project.

Ruth Estrander stated that the property under discussion was actually bought by her parents when they first came to Davie in 1932. She voiced her support of the project, stating that without a project like this, some other type of project would be proposed and the residents would have to deal with that too. Ms. Estrander praised the Town and stated that the people who moved into the community needed a chance.

Mayor Truex closed the public hearing portion of the meeting.

Mr. Mele advised that the petitioner would remove the medical clinic from the list of uses. He indicated that the owner would not be using the septic system in this area and that the project would be connected to the municipal sewer system. Mr. Mele stated that access to 74th Terrace would not be an issue because it was a right-turn in only, so it would not conflict with people coming out of 74th Terrace. He mentioned that the property was not zoned for single family homes. Mr. Mele indicated that the Site Plan Committee had done a very good job reviewing the proposed community and stated that the Committee had unanimously approved the project after determining that the project had met all of the requirements. He stated that emergency vehicle accesses were not allowed to be used by the public and the petitioner would make every effort to put it on Griffin Road and not on

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74th Terrace. Mr. Mele pointed out that the properties were not rentals. Mr. Mele finally stated that Centerline tried to do everything it could do to help meet residents' and planners' needs in response to their concerns. He hoped Council would support the project.

Mayor Truex asked who would manage offices in the Business Park. Mr. Steigel indicated that Centerline Homes would manage the commercial offices.

Mayor Truex asked if the petitioner was open to tweaking the design of the architectural façade that faced 74th Terrace to make it more palatable to the style of the area. He also asked what type of recreational facilities would be available. Mr. Steigel stated there would be a swimming pool and clubhouse facility proposed. Mr. Mele pointed out that an association would take over the property and they would be responsible for all the maintenance.

Councilmember Crowley asked staff whether 3-story buildings were allowed in the Griffin Road corridor. Planning Supervisor Marcie Nolan indicated in the affirmative.

Councilmember Crowley asked the petitioner's engineer to address concerns raised about drainage. Carlos (no last name given) stated that the petitioner had proposed a dry retention area and was also proposing to widen the canal to increase storage. He stated that there would be no impact on the adjacent property.

Councilmember Paul asked Ms. Nolan to speak on how much of the project area was included in the Griffin Road Corridor. Ms. Nolan explained which parts of the parcel were in the corridor.

Councilmember Crowley asked Mr. Steigel to address concerns about the height of the 3-story units. Mr. Steigel stated that the petitioner would limit the 3-story buildings to the easternmost property line which abuts the homeowners.

Mayor Truex indicated that he was reluctantly supporting the project because all of the concessions made by the petitioner would make a better fit than what could be allowed under existing zoning.

Councilmember Paul indicated that she had many suggestions for the site plan and felt that a meeting should be had to review it again and incorporate some of them. She added that this project met the intent of the Griffin Road Corridor.

Vice-Mayor Starkey felt that the concessions for less density were good, but some design and architectural improvements could be made to the commercial building to better fit with the style pleasing to the Griffin Road Corridor.

Mr. Mele requested that the petitioner be allowed to come back at a later time with the revised site plan to respond to Council's concerns. He requested that the site plan review be added to the agenda for the first November meeting.

Mayor Truex asked if Mr. Mele would be willing to have another meeting with the residents. Mr. Mele responded in the affirmative.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

4.9 Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve subject to 42 units. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

4.10 Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve, subject to no access on 74th Avenue, and leaving the current two access openings on Griffin Road as is. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

4.11 Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

4.18 Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table to November 5, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

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Items to be tabled

6.10. PETITIONER REQUESTING A TABLING TO NOVEMBER 19, 2003

LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA 03-06, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 DU/AC" TO "UTILITY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 17, 2003) (LA 03-06, Florida Power and Light/Archdioceses of Miami, 1401 Hiatus Road)

This item was tabled earlier in the meeting.

6.11. PETITIONER REQUESTING A TABLING TO NOVEMBER 19, 2003

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO U, UTILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-1-03, Florida Power & Light Company/The Archdioceses of Miami, 1401 Hiatus Road) (tabled from September 17, 2003)

This item was tabled earlier in the meeting.

6.12. STAFF REQUESTING A TABLING TO DECEMBER 3, 2003

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO SC, SUBURBAN COMMERCIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 14501 Orange Drive) (tabled from July 8, 2003)

This item was tabled earlier in the meeting.

6.13. STAFF REQUESTING A TABLING TO DECEMBER 3, 2003

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 14901 Orange Drive) (tabled from July 8, 2003)

This item was tabled earlier in the meeting.

6.14. STAFF REQUESTING A TABLING TO OCTOBER 15, 2003

ZB 7-2-03, Lemons/Bolender, 1390 South Flamingo Drive

6.15. STAFF REQUESTING A TABLING TO OCTOBER 15, 2003

V 6-1-03, Bryant, 5641 Orange Drive

This item was tabled earlier in the meeting.

6.16. STAFF REQUESTING A TABLING TO OCTOBER 15, 2003

V 7-2-03, Cobb, 3820 SW 55 Avenue

This item was tabled earlier in the meeting.

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6.17. STAFF REQUESTING A TABLING TO OCTOBER 15, 2003

V 8-1-03, Rodriquez, 5220 Davie Road

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

7.2. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004)

No appointments were made.

7.3. Senior Citizen Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (members shall be a minimum 60 years of age)

No appointments were made.

7.4. Water and Environmental Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (insofar as possible, one member of the board shall be a licensed engineer)

Mayor Truex appointed Timothy Fulton.

8. OLD BUSINESS

Mayor Truex indicated that he wanted Council to consider the new ordinance on the "Store Front Houses of Worship". No action was taken by Council.

9. NEW BUSINESS

There was no new business discussed.

**10. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER HUBERT**

Councilmember Hubert spoke about the trash problem near the Player's Club Bar. Councilmember Crowley inquired about police presence.

VICE-MAYOR STARKEY

Vice-Mayor Starkey spoke about an event that she had attended at Bailey Hall hosted by the Taiwan Goodwill Mission. She spoke about meetings with Rolling Hills Par 3 golf course landscaping and tree trimming efforts. Vice-Mayor Starkey also discussed drainage problems in the area.

COUNCILMEMBER PAUL

Councilmember Paul wished a happy new year to the Town's Jewish residents. She asked about the funds to refurbish the old fire truck that was acquired by the Town. Councilmember Paul spoke about Replant Broward, which would take place on November 1st and 2nd, and asked that an announcement of the event be placed on the website as a helpful service to residents. She requested updates on the guard rail on 148 and the equestrian trail park at Imagination Farms.

MAYOR TRUEX

Mayor Truex stated that he had received a letter from Congressman Shaw indicating that the Davie Police Department received a grant for \$100,000 for Homeland Security overtime duties.

Mayor Truex asked about the Sheridan House issue and asked if the Town had been served with a lawsuit. Mr. Kiar responded that he did not know.

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11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 11:40 p.m.

Approved _____

Mayor/Councilmember

Town Clerk